IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

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**WRIT PETITION NO : 661 of 1996**

Between:

K.D.Ausekar S/o. Dattatreya Rao Ausekar
V.V.Kanyashalal Gowliguda
Hyderabad

**..... PETITIONER**

AND

1 The V.V.Education Society, rep.by its Correspondent
Putlibowli, Hyderabad
2 Dr.Susheela Vyapari W/o. S.N.Vyapari
Putlibowli, Hyderabad
3 The Commissioner & Director of School Education Govt. of A.P.
Hyderabad
4 The Regional Joint Director of School Education Govt. of A.P.
Hyderabad
5 The Dist.Educational Officer, Hyderabad Dist.
Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction to the respondents herein to compute pensionary and other retirement benefits by according promotion as Head Master, V.V.Kanyashala, Gowliguda, Hyderabad with effect from June, 1988 after finalising the seniority in the feeded category of School Assistants and accord all consequential and attendant benefits as regards arrears of pay, allowances, pension and gratuity.

**Counsel for the Petitioner:MR.Y.VENKAT SASTRY**

**Counsel for the Respondent No.1and 2: MR.VILAS V.AFZULPURKAR**

**Counsel for the Respondents 3 to 5 : G.P.FOR SCHOOL EDUCATION.**

**The Court made the following :**

ORDER:

The petitioner seeks computation of pensionary and other retirement benefits by construing his promotion as Head Master V.V.Kanyashala, Gowliguda, Hyderabad with retrospective effect from June, 1988, and for payment of arrears of allowances, pension, gratuity and other benefits on that basis.

2. The petitioner was initially appointed as an Assistant Teacher on 1-8-1959 after having acquired the qualification of Intermediate and SGBT. He obtained graduation qualification in 1965 and B.Ed in 1967. He was, therefore, promoted as School Assistant w.e.f., 1-5-1967. He passed Head Master's test in June, 1988. He claims to be the senior most School Assistant duly qualified and eligible for promotion to the post of the Head Master in the V.V.Kanyashala Gowliguda, which is an aided school. The post of School Assistant in which the petitioner was working is also an aided post.

3. The petitioner's claim is that the 1st respondent school was not maintaining a proper seniority list of teachers in various categories as required under the rules framed under the A.P. Education Act, 1982. As a result various *inter se* disputes are pending with regard to seniority, promotions, and absorptions in the school. Petitioner claims to have made repeated representations since 1987 for his promotion as Head Master. He also alleges that a person junior to him had been promoted as Head Master in 1994 over-looking his claim. Despite his representations, his case was not considered. The 1st respondent also failed to follow the guidelines issued by the State Government in G.O.Ms.No.298 Education (SS.2) Department dated 28-8-1992 in the matter of appointments and promotions to the post of Head Masters in linguistic minority private aided schools. It is also alleged that despite the 1st respondent's resolution dated 10.11.1995 to consider

the petitioner's case for appointment as a Head Master, no action was taken by the official respondents.

4. The petitioner's claim for promotion as Head Master with effect from June, 1988 has been sought in this writ petition instituted in January, 1996 nearly 8 years later. The writ petition is hopelessly barred by delay and laches. No relief ought to be granted in respect of such belated claims.

5. The writ petition is without merits and is accordingly dismissed.

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17-08-2004

sh/mrk

TO

1 The Correspondent, V.V.Education Society,
Putlibowli, Hyderabad
2. The Commissioner & Director of School Education Govt. of A.P.
Hyderabad

3. The Regional Joint Director of School Education Govt. of A.P.
   Hyderabad
4 The Dist.Educational Officer, Hyderabad Dist.
   Hyderabad

5. G.P for school Education, High Court Buildings, High Court of A.P., Hyderabad. (out).

6. Two C.D. copies.

THE HON”BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.661 OF 1996

**Dated: 17/08/2004**